

Calendar No. 295

111TH CONGRESS
2D SESSION**H. R. 689****[Report No. 111–145]**

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2009

Received; read twice and referred to the Committee on Energy and Natural
Resources

MARCH 2, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTERCHANGE OF LANDS TO THE BUREAU OF**
4 **LAND MANAGEMENT.**

5 (a) ~~INTERCHANGE.—Effective on the date of the en-~~
6 ~~actment of this Act, administrative jurisdiction of the fed-~~
7 ~~erally owned lands described in subsection (b) is trans-~~

ferred from the Secretary of Agriculture to the Secretary of the Interior to be subject to the laws, rules, and regulations applicable to the public lands administered by the Bureau of Land Management (hereafter in this Act referred to as the “BLM”).

(b) LANDS AFFECTED.—Except as provided in subsection (c), the lands transferred to the administration of the Secretary of the Interior, through the BLM, under subsection (a) are those heretofore within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as shown on the map titled “H.R. 689, Transfer from Forest Service to BLM, Map 1”, dated April 21, 2009.

(c) EXCEPTED LANDS.—Excepted from the transfer under this section are those lands within the Shasta Dam Reclamation Zone which shall continue to be administered by the Secretary of the Interior through the Bureau of Reclamation.

SEC. 2. INTERCHANGE OF LANDS TO THE FOREST SERVICE.

(a) INTERCHANGE.—Effective on the date of the enactment of this Act, administrative jurisdiction of the federally owned lands described in subsection (b) is transferred from the Secretary of the Interior to the Secretary of Agriculture to be subject to the laws, rules, and regulations applicable to the National Forest System. Such lands

1 are hereby withdrawn from the public domain and re-
 2 served for administration as part of the Shasta-Trinity
 3 National Forest.

4 (b) LANDS AFFECTED.—The lands transferred to the
 5 administration of the Secretary of Agriculture, through
 6 the Forest Service, under subsection (a), are those here-
 7 tofore administered by the BLM in California, Mount Dia-
 8 blo Meridian, as shown on the map titled “H.R. 689,
 9 Transfer from BLM to Forest Service, Map 2”, dated
 10 April 21, 2009.

11 (c) WILDERNESS ADMINISTRATION.—The transfer of
 12 administrative jurisdiction from the BLM to the Forest
 13 Service of certain lands previously designated as part of
 14 the Trinity Alps Wilderness shall not affect the wilderness
 15 status of such lands.

16 (d) LAND AND WATER CONSERVATION FUND.—For
 17 the purposes of section 7 of the Land and Water Con-
 18 servation Fund Act of 1965 (16 U.S.C. 4601–9), the
 19 boundaries of the Shasta-Trinity National Forest, as ad-
 20 justed pursuant to this Act, shall be considered the bound-
 21 aries of that national forest as of January 1, 1965.

22 **SEC. 3. EXISTING RIGHTS AND AUTHORIZATIONS.**

23 Nothing in this Act shall affect any valid existing
 24 rights, nor affect the validity or term and conditions of
 25 any existing withdrawal, right-of-way, easement, lease, li-

1 cense or permit on lands transferred by this Act, except
2 that any such authorization shall be administered by the
3 agency having jurisdiction of the land after the enactment
4 of this Act in accordance with applicable law. Reissuance
5 of any such authorization shall be in accordance with ap-
6 plicable law and regulations of the agency having jurisdic-
7 tion.

8 **SEC. 4. HAZARDOUS SUBSTANCES.**

9 (a) NOTICE.—The Forest Service for lands described
10 in section 1, and the BLM for lands described in section
11 2, shall identify any known sites containing hazardous
12 substances and provide such information to the receiving
13 agency.

14 (b) CLEAN UP OBLIGATIONS.—The clean up of haz-
15 ardous substances on lands transferred by this Act shall
16 be the responsibility of the agency having jurisdiction over
17 the lands on the day before the date of the enactment of
18 this Act.

19 **SEC. 5. CORRECTIONS.**

20 (a) MINOR ADJUSTMENTS.—The Director of the
21 BLM and the Chief of the Forest Service, may, by mutual
22 agreement, effect minor corrections and adjustments to
23 the interchange provided for in this Act to facilitate land
24 management, including survey.

1 ~~(b) PUBLICATIONS.—Any corrections or adjustments~~
 2 ~~made under subsection (a) shall be effective upon publica-~~
 3 ~~tion of a notice in the Federal Register.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Shasta-Trinity National*
 6 *Forest Administrative Jurisdiction Transfer Act”.*

7 **SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION TO**
 8 **THE BUREAU OF LAND MANAGEMENT.**

9 (a) *IN GENERAL.*—*Administrative jurisdiction over*
 10 *the Federal land described in subsection (b) is transferred*
 11 *from the Secretary of Agriculture to the Secretary of the*
 12 *Interior.*

13 (b) *DESCRIPTION OF LAND.*—*The Federal land re-*
 14 *ferred to in subsection (a) is the land within the Shasta-*
 15 *Trinity National Forest in California, Mount Diablo Me-*
 16 *ridian, as generally depicted on the map entitled “Shasta-*
 17 *Trinity Administrative Jurisdiction Transfer: Transfer*
 18 *from Forest Service to BLM, Map 1” and dated November*
 19 *23, 2009.*

20 (c) *MANAGEMENT AND STATUS OF TRANSFERRED*
 21 *LAND.*—*The Federal land described in subsection (b) shall*
 22 *be administered in accordance with—*

23 (1) *the Federal Land Policy and Management*
 24 *Act of 1976 (43 U.S.C. 1701 et seq.); and*

1 (2) *any other applicable law (including regula-*
 2 *tions).*

3 **SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION TO**
 4 **THE FOREST SERVICE.**

5 (a) *IN GENERAL.*—*Administrative jurisdiction over*
 6 *the Federal land described in subsection (b) is transferred*
 7 *from the Secretary of the Interior to the Secretary of Agri-*
 8 *culture.*

9 (b) *DESCRIPTION OF LAND.*—*The Federal land re-*
 10 *ferred to in subsection (a) is the land administered by the*
 11 *Director of the Bureau of Land Management in the Mount*
 12 *Diablo Meridian, California, as generally depicted on the*
 13 *map entitled “Shasta-Trinity Administrative Jurisdiction*
 14 *Transfer: Transfer from BLM to Forest Service, Map 2”*
 15 *and dated November 23, 2009.*

16 (c) *MANAGEMENT AND STATUS OF TRANSFERRED*
 17 *LAND.*—

18 (1) *IN GENERAL.*—*The Federal land described in*
 19 *subsection (b) shall be—*

20 (A) *withdrawn from the public domain;*

21 (B) *reserved for administration as part of*
 22 *the Shasta-Trinity National Forest; and*

23 (C) *managed in accordance with the laws*
 24 *(including the regulations) generally applicable*
 25 *to the National Forest System.*

1 (2) *WILDERNESS ADMINISTRATION.*—*The land*
 2 *transferred to the Secretary of Agriculture under sub-*
 3 *section (a) that is within the Trinity Alps Wilderness*
 4 *shall—*

5 *(A) not affect the wilderness status of the*
 6 *transferred land; and*

7 *(B) be administered in accordance with—*

8 *(i) this section;*

9 *(ii) the Wilderness Act (16 U.S.C. 1131*
 10 *et seq.); and*

11 *(iii) the California Wilderness Act of*
 12 *1984 (16 U.S.C. 1132 note; Public Law 98–*
 13 *425).*

14 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

15 *(a) CORRECTIONS.—*

16 *(1) MINOR ADJUSTMENTS.*—*The Secretary of Ag-*
 17 *riculture and the Secretary of the Interior may, by*
 18 *mutual agreement, make minor corrections and ad-*
 19 *justments to the transfers under this Act to facilitate*
 20 *land management, including corrections and adjust-*
 21 *ments to any applicable surveys.*

22 *(2) PUBLICATIONS.*—*Any corrections or adjust-*
 23 *ments made under subsection (a) shall be effective on*
 24 *the date of publication of a notice of the corrections*
 25 *or adjustments in the Federal Register.*

1 **(b) HAZARDOUS SUBSTANCES.—**

2 **(1) NOTICE.—***The Secretary of Agriculture and*
 3 *the Secretary of the Interior shall, with respect to the*
 4 *land described in sections 2(b) and 3(b), respec-*
 5 *tively—*

6 **(A)** *identify any known sites containing*
 7 *hazardous substances; and*

8 **(B)** *provide to the head of the Federal agen-*
 9 *cy to which the land is being transferred notice*
 10 *of any sites identified under subparagraph (A).*

11 **(2) CLEANUP OBLIGATIONS.—***To the same extent*
 12 *as on the day before the date of enactment of this Act,*
 13 *with respect to any Federal liability—*

14 **(A)** *the Secretary of Agriculture shall re-*
 15 *main responsible for any cleanup of hazardous*
 16 *substances on the Federal land described in sec-*
 17 *tion 2(b); and*

18 **(B)** *the Secretary of the Interior shall re-*
 19 *main responsible for any cleanup of hazardous*
 20 *substances on the Federal land described in sec-*
 21 *tion 3(b).*

22 **(c) EFFECT ON EXISTING RIGHTS AND AUTHORIZA-**
 23 **TIONS.—***Nothing in this Act affects—*

24 **(1)** *any valid existing rights; or*

1 (2) *the validity or term and conditions of any*
2 *existing withdrawal, right-of-way, easement, lease, li-*
3 *cense, or permit on the land to which administrative*
4 *jurisdiction is transferred under this Act, except that*
5 *beginning on the date of enactment of this Act, the*
6 *head of the agency to which administrative jurisdic-*
7 *tion over the land is transferred shall be responsible*
8 *for administering the interests or authorizations (in-*
9 *cluding reissuing the interests or authorizations in*
10 *accordance with applicable law).*

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